

811 KAR 1:005. Definitions.

RELATES TO: KRS Chapter 230

STATUTORY AUTHORITY: KRS 230.215, 230.225(5), 230.260, 230.361(1), 230.370

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) grants the commission the authority to regulate conditions under which standardbred racing shall be conducted in Kentucky. KRS 230.260(8) grants the commission the authority to prescribe necessary and reasonable administrative regulations and conditions under which horse racing at a horse race meeting shall be conducted in this state. KRS 230.361(1) requires the commission to promulgate administrative regulations governing and regulating mutual wagering on horse races under the pari-mutuel system of wagering. This administrative regulation defines the terms used in 811 KAR Chapter 1.

Section 1. Definitions. (1) "Added money" means the amount of money, exclusive of trophy, added into a stakes by an association, a sponsor, a state-bred program, or other fund, and which is in addition to those monies gathered by nomination, entry, sustaining and other fees paid by the horsemen.

(2) "Age" means the number of years since a horse was foaled, reckoned as if the horse was foaled in January 1 of the year in which the horse was foaled.

(3) "Also eligible" means:

(a) An eligible horse, properly entered, which is not drawn for inclusion in a race, but which becomes eligible according to preference or lot if another horse is scratched prior to the scratch time deadline; or

(b) The next preferred nonqualifier for the finals, or consolation from a set of elimination trials, which becomes eligible if a finalist is scratched by the judges for a rule violation or is otherwise eligible if written race conditions permit.

(4) "Appeal" means a request for the commission to investigate, consider, and review any decision or ruling of a judge or official of a meeting to deal with placings, penalties, interpretations of the rules, or other questions dealing with the conduct of a race.

(5) "ARCI" means the Association of Racing Commissioners International.

(6) "Arrears" means all sums due by a licensee as reflected by his or her account with the horseman's bookkeeper, including subscriptions, driver fees, forfeitures, and any default incident to 811 KAR Chapter 1.

(7) "Association" is defined by KRS 230.210(1).

(8) "Bleeder" means a horse known to have bled internally or from its nostrils during a workout or race.

(9) "Bleeder list" means a tabulation of all bleeders to be maintained by the commission.

(10) "Breakage" means the net pool minus payout.

(11) "Breeder" means the owner of the dam of a horse when the horse was conceived.

(12) "Calendar days" means consecutive days counted irrespective of number of racing days.

(13) "Carryover" means nondistributed pool monies which are retained and added to a corresponding pool in accordance with 811 KAR Chapter 1.

(14) "Claiming race" means a race in which ownership of a horse participating in the race may be transferred in conformity with 811 KAR Chapter 1.

(15) "Classified race" means a race in which entries are selected by the racing secretary on the basis of ability or past performance.

(16) "Coggins test" means a medical procedure used to determine if a horse is positive for Equine Infectious Anemia.

(17) "Commission" means:

(a) The Kentucky Horse Racing Commission (formerly known as the Kentucky Horse Racing

Authority and defined in KRS 230.210(2)) if used in the context of the administrative agency governing horse racing and pari-mutuel wagering; and

(b) If used in the context of pari-mutuel wagering, the amount an association is authorized to withhold from a pari-mutuel wager pursuant to KRS 230.750.

(18) "Conditioned race" means an overnight race in which eligibility is determined according to specified conditions, which may include the following:

- (a) Age;
- (b) Sex;
- (c) Earnings;
- (d) Number of starts; or
- (e) Positions of finishes.

(19) "Conditions" means qualifications that determine a horse's eligibility to be entered in a race.

(20) "Coupled entry" means two (2) or more horses in a race that are treated as a single betting interest for pari-mutuel wagering purposes.

(21) "Dash" means a race in a single trial or in a series of two (2) or three (3) races governed by one (1) entry fee for the series, in which a horse starts in all dashes with positions drawn for each dash and the number of purse distributions or payouts awarded does exceed the number of starters in the dash.

(22) "Day" means a twenty-four (24) hour period beginning at 12:01 a.m. and ending at midnight.

(23) "Dead heat" means a finish of a race in which the noses of two (2) or more horses reach the finish line at the same time.

(24) "Declaration" means the naming of a particular horse as a starter in a particular race.

(25) "Designated area" means any enclosed area that the commission has approved for the location of terminals used for wagering on an historical horse race.

(26) "Disqualification" means that:

- (a) An individual is not allowed to start or drive a horse in a race; or
- (b) A horse is not allowed to start in a race.

(27) "Draw" means the process of assigning post positions and the process of selecting horses.

(28) "Driver" means a person who is licensed to drive a horse in a race.

(29) "Early closing race" means a race for a definite amount of money in which entries close at least six (6) weeks prior to the race.

(30) "Electronic ability" means a computer-generated eligibility certificate that records a horse's racing statistics.

(31) "Elimination heat" means an individual heat of a race in which the contestants qualify for a final heat.

(32) "Entry" means the act of nominating a horse for a race.

(33) "Exhibition race" means a race on which no pari-mutuel wagering is permitted.

(34) "Exotic wager" means any pari-mutuel wager placed on a live or historical horse race other than a win, place, or show wager placed on a live horse race.

(35) "Extended pari-mutuel meeting" means a meeting or series of meetings, at which no agriculture fair is in progress, with an annual total of more than six (6) days duration and during which pari-mutuel wagering is permitted.

(36) "Field" or "mutuel field" means a single betting interest involving more than one (1) horse which is not a mutuel entry.

(37) "Forfeit" means money due from a licensee because of error, fault, neglect of duty, breach of contract, or a penalty imposed by the judges or the commission.

(38) "Futurity" means a stake in which the dam of the competing animal is nominated either

when in foal or during the year of foaling.

(39) "Handicap" means a race in which allowances are made according to a horse's:

- (a) Age;
- (b) Sex;
- (c) Claiming price; or
- (d) Performance.

(40) "Handle" means the aggregate of all pari-mutuel pools, excluding refundable wagers.

(41) "Historical horse race" means any horse race that:

- (a) Was previously run at a licensed pari-mutuel facility located in the United States;
- (b) Concluded with official results; and
- (c) Concluded without scratches, disqualifications, or dead-heat finishes.

(42) "Horse" means any equine (including and designated as a mare, filly, stallion, colt, ridge-ling, or gelding) registered for racing.

(43) "In harness" means that the performance will be to a sulky.

(44) "Initial seed pool" means a nonrefundable pool of money funded by an association in an amount sufficient to ensure that a patron will be paid the minimum amount required on a winning wager on an historical horse race.

(45) "Inquiry" means an investigation by the judges of a contest prior to declaring the result of the contest official.

(46) "Judge" means a duly appointed racing official with powers and duties specified in 811 KAR 1:015 serving at a current meeting in the Commonwealth.

(47) "Late closing race" means a race for a fixed amount of money in which entries close less than six (6) weeks but not more than three (3) days before the race is to be contested.

(48) "Licensed premises" means the location and physical plant described in response to question P of the "Commonwealth of Kentucky Initial/Renewal Application for License to Conduct Live Horse Racing, Simulcasting, and Pari-Mutuel Wagering" filed for racing to be conducted in 2010. Licensed premises may also include real property of an association, if the association receives approval from the commission for a new location at which live racing will be conducted.

(49) "Licensee" means an individual, firm, association, partnership, corporation, trustee, or legal representative that has been duly issued a currently valid license to participate in racing in the Commonwealth.

(50) "Maiden" means a horse that has never won a heat or race at the gate at which it was entered, and for which a purse is offered.

(51) "Maiden race" means a race restricted to maidens.

(52) "Match race" means a race between two (2) horses under conditions agreed upon between the contestants.

(53) "Matinee race" means a race in which no entrance fee is charged and in which the pay-outs, if any, are not money.

(54) "Meeting" means the entire period of consecutive days, exclusive of dark days, granted by the commission to a licensed association for the conduct of live horse racing. A meeting shall begin at 10 a.m. of the first racing day and extend through a period ending one (1) hour after the last scheduled race of the last day.

(55) "Minus pool" means a pari-mutuel pool in which the amount of money to be distributed on winning wagers exceeds the amount of money contained in the net pool.

(56) "Month" means a calendar month.

(57) "Net pool" means the total amount wagered less refundable wagers and takeout.

(58) "Nomination" means the naming of a horse to a certain race or series of races, generally accompanied by payment of a prescribed fee.

(59) "Objection" means a verbal claim of foul in a race lodged by the horse's driver, trainer, or

owner before the race is declared official.

(60) "Official order of finish" means the order of finish of the horses in a contest as declared official by the judges.

(61) "Official time" means the elapsed time from the moment the first horse crosses the timing beam until the first horse crosses the finish line.

(62) "Optional claiming race" means a contest restricted to horses entered to be claimed for a stated claiming price, and to horses which have started previously for that claiming price or less.

(63) "Overnight race" means a contest for which entries close at a time set by the commission.

(64) "Pari-mutuel wagering", "mutuel wagering", or "pari-mutuel system of wagering" each means a system or method of wagering approved by the commission in which patrons are wagering among themselves and not against the association and amounts wagered are placed in one or more designated wagering pools and the net pool is returned to the winning patrons.

(65) "Patron" means an individual present at a track or a simulcast facility who observes or wagers on a live or historical horse race.

(66) "Payout" means the amount of the net pool payable to an individual patron on his or her winning wager.

(67) "Post position" means the preassigned position from which a horse will leave the starting gate.

(68) "Post time" means the scheduled starting time for a race.

(69) "Protest" means a written objection charging that a horse is ineligible to race, alleging improper entry procedures, or citing any act of an owner, trainer, driver, or official prohibited by rules, which, if true, would exclude that horse or driver from racing.

(70) "Purse" means the total cash awarded as a prize in a race.

(71) "Race day" means any period of twenty-four (24) hours beginning at 12:01 a.m. and ending at midnight in which live racing is conducted by an association.

(72) "Result" means the part of the official order of finish in a race used to determine the pari-mutuel payoff of pools.

(73) "Scratch" means the act of withdrawing an entered horse from a race after the closing of entries.

(74) "Scratch time" means the deadline set for withdrawal of entries from a scheduled race.

(75) "Seed pool" means a pool of money funded by patrons wagering on an historical horse race that is used to ensure that all patrons are paid the minimum payout on winning wagers.

(76) "Simulcasting" is defined by KRS 230.210(11).

(77) "Single price pool" means an equal distribution of profit to winning betting interests or winning betting combinations through a single payout price.

(78) "Specimen" means a sample of blood, urine, or other biologic sample taken or drawn from a horse for chemical testing.

(79) "Stable name" means a name used other than the actual legal name of an owner or lessee and registered with the United States Trotting Association.

(80) "Stake" means a race which will be contested in a year subsequent to its closing in which the money given by the association conducting the race is added to the money contributed by the nominators, all of which except deductions for breeders or nominator's awards belongs to winner or winners, and in which, except as provided in 811 KAR 1:040, Section 6, all of the money contributed by the nominators belongs to the winner or winners.

(81) "Starter" means a horse which becomes an actual contestant in a race by virtue of the starting gate opening in front of it upon dispatch by the official starter.

(82) "Sulky" means a dual-wheel racing vehicle with dual shafts not exceeding the height of the horse's withers.

(83) "Takeout" means the total amount of money, excluding breakage and any amounts allo-

cated to a seed pool, withheld from each pari-mutuel pool, as authorized by KRS 230.750 and 811 KAR Chapter 1.

(84) "Terminal" means any self-service totalizator machine or other mechanical equipment used by a patron to place a pari-mutuel wager on a live or historical horse race.

(85) "Totalizator" means the system, including hardware, software, communications equipment, and electronic devices that accepts and processes the cashing of wagers, calculates the odds and prices of the wagers, and records, displays, and stores pari-mutuel wagering information.

(86) "Touting" means the act of soliciting anything of value in exchange for information regarding the outcome of a horse race on which wagers are made at a wagering facility under the jurisdiction of the commission.

(87) "USTA" means the United States Trotting Association.

(88) "Walkover" means a race in which only one (1) horse starts or in which all the starters are owned by the same interest.

Section 2. Severability. In the event that any provision or administrative regulation of this chapter is found to be invalid, the remaining provisions of this chapter shall not be affected nor diminished thereby. (KTC 1-8, Rule 4; 1 Ky.R. 1097; eff. 6-11-1975; 4 Ky.R. 328; eff. 5-3-1978; 27 Ky.R. 2579; 3086; eff. 5-14-2001; 33 Ky.R. 908; 1345; 1802; eff. 2-2-2007; 37 Ky.R. 834; 2860; eff. 7-1-2011.)